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09/785,331

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Jim Lautner

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EXAMINER

PHILLIPS, HASSAN A

ART UNIT

PAPER NUMBER

2151

4

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/785,331

**Applicant(s)**

LAUTNER, JIM

**Examiner**

Hassan Phillips

**Art Unit**

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The Information Disclosure Statement (IDS) filed May 15, 2001, has been received and considered by the examiner.

### ***Drawings***

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: The acronym "MVS" should be defined in claimed one in order to clarify the claimed invention. Appropriate correction is required.

2. Claim 3 is objected to because of the following informalities: The acronym "DASD" should be capitalized. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-9, 11-14, 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Wrabetz et al. (hereinafter Wrabetz), U.S. patent 5,442,791.

3. In considering claim 1, Wrabetz teaches a method for cross-resource sharing comprising the steps of:

- a) Providing a control database that can be shared by all MVS images in a complex, (col. 8, lines 59-64);
- b) Periodically monitoring devices which have been allocated for the control database, (col. 8, lines 25-31);
- c) Intercepting a device allocation request, (col. 7, lines 55-63);
- d) Performing a request/release operation on the control database to determine if a device or devices satisfy the request, (col. 7, lines 39-45);

- e) Granting allocation of the available devices in the control database to a requestor if the request is satisfied, (col. 8, lines 16-20);
- f) Updating the control database for flagging an allocated device or devices as being unavailable, (col. 8, lines 25-39);
- g) Releasing the control database, (col. 7, lines 39-45).

4. In considering claims 4 and 16, the method and system taught by Wrabetz provides a means for the control database to be accessed through a TCP/IP network interface. See col. 15, lines 30-33.

5. In considering claim 5, the method taught by Wrabetz provides a means for a local control database to be maintained as a master with veto over other control databases. See col. 19, lines 10-14.

6. In considering claim 6, it is inherent in the method taught by Wrabetz that a software extension is provided for detecting device allocation requests, and accessed for intercepting device allocation requests. See col. 17, lines 30-53.

7. In considering claim 7, the method taught by Wrabetz provides a means for the operating system to be version MVS/ESA 5.2 or higher. This would further allow for intercepting device allocation requests at a subsystem interface hook. See col. 14, lines 65-68, and col. 15, lines 1-19.

8. In considering claims 8 and 14, it is inherent in the method and system taught by Wrabetz that the hook would be a subsystem interface function call 78. See col. 14, lines 65-68, and col. 15, lines 1-19.

9. In considering claim 9, the method taught by Wrabetz provides a means for the operating system to be OS/390. See col. 14, lines 65-68, and col. 15, lines 1-19.

10. In considering claim 11, the method taught by Wrabetz further comprises a means for monitoring event notifications of changes in devices and adjusting the logical allocations in the control database accordingly. See col. 8, lines 25-39.

11. In considering claim 12, Wrabetz teaches a system for cross-resource sharing comprising:

- a) A shared control database, (col. 8, lines 59-64);
- b) Means for request/release updating operations on the control database for flagging which device or devices are unavailable as having been allocated by an MVS system and which MVS system allocated the device or devices, (col. 7, lines 39-45);
- c) Intercepting a device allocation request, and using the request/release means for determining if the request can be satisfied from the available device or devices and if so, satisfying the requests and flagging the

allocated devices as unavailable to any MVS system and updating the control database accordingly, (col. 7, lines 55-63, and col. 8, lines 25-39).

12. In considering claim 13, the system taught by Wrabetz provides a means for the MVS systems to operate under MVS/ESA 5.2 or a higher operating system, which has a subsystem interface. This would further allow for intercepting device allocation requests through a subsystem interface. See col. 14, lines 65-68, and col. 15, lines 1-19.

13. In considering claim 17, the system taught by Wrabetz further comprises a means for flagging a device or devices as available or unavailable due to un-allocation or allocation and which MVS system allocated the device or devices. See col. 8, lines 25-39.

14. In considering claim 18, it is inherent that the system taught by Wrabetz provides a means for request/release updating operations to comprise subsystem software. See col. 14, lines 65-68, and col. 15, lines 1-19.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wrabetz in view of Aman et al. (hereinafter Aman), U.S. patent 6,249,800.

3. In considering claim 2, although the method disclosed by Wrabetz shows substantial features of the claimed invention, it fails to expressly disclose:

a) Reallocating a queued allocation request.

Nevertheless, in a similar field of endeavor, Aman teaches a method for assigning session request comprising:

a) An unsatisfied MVS image entering allocation recovery for re-driving a resource allocation, (col. 9, lines 13-16).

Given the teachings of Aman, it would have been obvious to one of ordinary skill in the art to modify the teachings of Wrabetz to show an unsatisfied MVS image entering allocation recovery for re-driving a queued allocation request if another device was available. Doing so would enhance resource sharing among the devices by allowing the devices to utilize all un-allocated devices in a complex, and not just waiting until a queued allocated device becomes available, Aman, col. 9, lines 16-21.

4. Claims 3, 10, 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wrabetz in view of Bostian et al. (hereinafter Bostian), U.S. patent 6,339,793.



5. In considering claims 3, 10, and 15, although the disclosed method and system of Wrabetz shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) The control database stored on a shared DASD.

Nevertheless, shared DASD's were well known in the art at the time of the present invention. This is exemplified in a similar field of endeavor where Bostian teaches a method for data sharing comprising:

- a) Individual processing systems accessing a database stored on a DASD, (see Fig. 1).

Given the teachings of Bostian, it would have been obvious to one of ordinary skill in the art to modify the teachings of Wrabetz to show the control database stored on a shared, low activity DASD. Storing the control database on a shared DASD would have provided a highly reliable shared database for accessing remote resources, and would have minimized delays in the request/release operations, Bostian, col. 1, lines 14-52.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wrabetz et al., U.S. patent 5,442,791, discloses a method and system for cross-resource sharing.

Aman et al., U.S. patent 6,249,800, discloses a method and apparatus for allocating resources.

Bostian et al., U.S. patent 6,339,793, discloses a method for data sharing of a DASD.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (703) 305-8760. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**

HP/  
5/25/04